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REPORT TO THE CAPITAL REGIONAL DISTRICT BOARD MEETING OF WEDNESDAY, APRIL 8, 2020

SUBJECT Public Hearing Report on Bylaw No. 4314, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 146, 2019”

ISSUE SUMMARY

To receive the Report of the Public Hearing held March 9, 2020, for proposed Bylaw No. 4314, and to consider Bylaw No. 4314 for third reading and adoption.

BACKGROUND

The Capital Regional District (CRD) Board gave first reading to Bylaw No. 4314 at its meeting of December 11, 2019. The CRD Board gave the bylaw second reading, and passed a resolution to delegate authority to the Regional Director to hold a public hearing with respect to Bylaw No. 4314 at its meeting of February 12, 2020.

Bylaw No. 4314 (Appendix A) will amend Bylaw No. 2040, "Juan de Fuca Land Use Bylaw, 1992", by deleting Lot 12, Section 128, Sooke District, Plan VIP58851 from the Rural A (A) zone and adding said lot to the Rural Residential 6A (RR-6A) zone to permit a four-lot subdivision.

On March 9, 2020, a public hearing was held for Bylaw No. 4314. There were four people in attendance. No submissions regarding the proposal were received prior to the hearing. One member of the public in attendance spoke in favour of the proposal. The Report of the Public Hearing is attached (Appendix B).

ALTERNATIVES

Alternative 1

- a) That the minutes that form the Report of the Public Hearing for Bylaw No. 4314, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 146, 2019", which is certified as a fair and accurate summary of the representations that were made at the public hearing held on March 9, 2020, for Bylaw No. 4314, be received; and
- b) That Bylaw No. 4314 be read a third time and adopted.

Alternative 2

That the minutes that form the Report of the Public Hearing for Bylaw No. 4314, which is certified as a fair and accurate summary of the representations that were made at the public hearing held on March 9, 2020 for Bylaw No. 4314, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 146, 2019", be received.

IMPLICATIONS

Regional Growth Strategy Implications

Section 445 of the *Local Government Act* requires that all bylaws adopted by a regional district board after the board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. In accordance with CRD policy, where a zoning bylaw amendment that applies to land within the East Sooke Official Community Plan (OCP) area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the RGS. Staff are of the opinion that this zoning bylaw amendment proposal is consistent with the policies of the East Sooke OCP.

The RGS recognizes that water service may be extended to those lands designated as Settlement by the East Sooke OCP. The subject property is outside of a community water service area and the applicant is not requesting water service connections.

Land Use Implications and Planning Analysis

The East Sooke OCP, Bylaw No. 4000, designates the subject property as Settlement. The objectives of this designation are to maintain the rural character of East Sooke through low-density development occurring at a gradual pace; to support a range of economic activities at a scale appropriate to the size of the community and its rural nature; and to provide affordable housing and rental accommodation options appropriate for a rural community. Settlement policies are supportive of an average density of one parcel per hectare within a plan of subdivision, provided that no new parcels are created with an area of less than 0.4 ha. Further, the OCP provides for an alternative to building strata development by supporting consideration of rezoning Rural A zoned land to permit subdivision.

The proposed RR-6A zone allows a 1 ha average parcel size and a minimum parcel size of 0.5 ha. The zone allows for residential, agricultural and home based business uses, with a density of one dwelling unit plus either a secondary suite or a detached accessory suite. Should the rezoning be supported, the owner wishes to create up to three additional parcels in a phased approach, with one additional parcel being proposed at the present time.

The property is designated as Steep Slopes, Sensitive Ecosystems and Riparian development permit areas (DPAs). A development permit will be required as a condition of subdivision should the request for rezoning be supported.

This zoning amendment application was referred to external agencies, the East Sooke Advisory Planning Commission, the Juan de Fuca (JdF) Electoral Area (EA) Parks and Recreation Advisory Commission and CRD departments in July 2019. Referral comments were returned and the Regional Board gave first reading to Bylaw No. 4314 at its meeting on December 11, 2019. At that meeting, the CRD Board required that the applicant confirm with CRD Protective Services and CRD Building Inspection as to how the proposed development could be accessed by emergency vehicles and meet the National Fire Protection Association (NFPA) standard 1142 Water Supplies for Suburban and Rural Fire Fighting, or an equivalent level of protection, prior to second reading and a public hearing. Staff have verified that the provision of adequate access to the property for emergency vehicles and the provision of water supply in accordance with the codes and standards of the NFPA are items that can be addressed through the building permit process under CRD Building Regulation Bylaw, 2010, No. 3741.

The CRD Board gave the bylaw second reading, and passed a resolution to delegate authority to the Regional Director to hold a public hearing with respect to Bylaw No. 4314 at its meeting of February 12, 2020.

CONCLUSION

The purpose of this zoning bylaw amendment application is to rezone the subject property from Rural (A) to Rural Residential 6A (RR-6A) to allow subdivision to create up to four residential lots. Proposed Bylaw No. 4314 has been read a second time and a public hearing was held on March 9, 2020 for Bylaw No. 4314, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 146, 2019". Staff recommend Alternative 1 to receive the minutes and for the proposed bylaw to be given third reading and adopted.

RECOMMENDATIONS

- a) That the minutes that form the Report of the Public Hearing for Bylaw No. 4314, which is certified as a fair and accurate summary of the representations that were made at the public hearing held on March 9, 2020, for Bylaw No. 4314, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 146, 2019”, be received; and
- b) That Bylaw No. 4314 be read a third time and adopted.

Submitted by::	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENTS

Appendix A: Proposed Bylaw No. 4314
Appendix B: Report of the Public Hearing March 9, 2020